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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
12

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 DARNELE NELSON,
17 Defendant.

Case No. 2:20-cr-195-APG-EJY

**Stipulation to Continue the
Suppression Hearing Date
(Second Request)**

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19 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher
20 Chiou, Acting United States Attorney, and Kimberly M. Frayn, Assistant United States
21 Attorney, counsel for the United States of America, and Todd Leventhal, Esq., counsel
22 for Darnele Nelson, that the suppression hearing in the abovementioned case, which is
23 currently scheduled for February 15, 2022 be continued and reset to a date and time
24 convenient to this Court, but for a period of not less than 90 days, for the following
25 reasons:
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1 1. On or about August 5, 2020, Darnele Nelson was indicted on felony
2 charges of felon in possession of a firearm and ammunition. ECF 8. On or about August
3 14, 2020, the defendant was released on bond pending trial, which is presently set for
4 January 3, 2022. ECF 14, 27. A stipulation to also continue the trial date out at least 90
5 days will be contemporaneously filed. On or about August 5, 2021, Nelson filed a motion
6 to dismiss and a motion to suppress. ECF 28, 29. Oppositions to each motion was filed
7 by the government. ECF 37, 38. A hearing on the motion to suppress is currently set for
8 February 15, 2022.
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10 2. The parties need additional time to prepare for the suppression hearing and
11 for trial if the evidence is not suppressed. Additionally, the government is having
12 availability difficulties with two government witnesses, who are both necessary for the
13 suppression hearing and the trial.
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15 3. The defendant is not incarcerated and does not object to the continuance.

16 4. The parties agree to the continuance.

17 5. The additional time requested herein is not sought for purposes of delay,
18 but merely to allow the parties sufficient time within which to prepare for the suppression
19 hearing. Additionally, denial of this request for continuance could result in a miscarriage
20 of justice, and the ends of justice served by granting this request, outweigh the best
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1 interest of the public and the defendant in a speedy hearing.

2 6. This is the second stipulation to continue the suppression hearing date filed
3 herein.

4 DATED this 26th Day of January, 2022.

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6 CHRISTOPHER CHIOU
United States Attorney

7
8 */s/ Todd M. Leventhal, Esq.*
By _____
9 TODD M. LEVENTHAL
Counsel for Defendant Darnele Nelson

/s/ Kimberly M. Frayn
By _____
KIMBERLY M. FRAYN
10 MINA CHANG
Assistant United States Attorneys

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 UNITED STATES OF AMERICA,
5 Plaintiff,

6 v.

7 DARNELE NELSON,
8 Defendant.

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ORDER

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10 Based on the pending Stipulation of counsel, and good cause appearing therefore,
11 the Court finds:

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13 THEREFORE, IT IS HEREBY ORDERED that the suppression hearing in the
14 above-captioned matter, currently scheduled for February 15, 2022, be vacated and
15 continued to a date and time convenient to this court, that is May 24, 2022 at the hour
16 of 9:30 a.m. in Courtroom 3A.

17 DATED this 27th day of January, 2022.

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19 
20 HONORABLE ELAYNA J. YOUCHAH
21 United States Magistrate Court Judge
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